

# EXHIBIT A

**STATE OF NEW YORK  
SUPREME COURT : COUNTY OF GENESEE**

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**LISA HORN  
16 Highland Park  
Batavia, New York 14020,**

**Plaintiff,**

**SUMMONS**

**v.**

**Index No.:**

**WAL-MART STORES, INC.  
n/k/a WALMART, INC.  
c/o CT Corporation System  
28 Liberty Street  
New York, New York 10005**

**WALMART, INC.  
f/k/a WAL-MART STORES, INC.  
c/o CT Corporation System  
28 Liberty Street  
New York, New York 10005,**

**Defendants.**

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To the above-named Defendants:

**YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the Plaintiff's attorney, at the address stated below, a written Answer to the attached Complaint.**

If this Summons is served upon you within the State of New York by personal service you must respond within TWENTY (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within THIRTY (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.


***Rosenthal, Kooshoian & Lennon, LLP***

ATTORNEYS AND COUNSELORS AT LAW / 80 WEST HURON STREET / BUFFALO, NEW YORK 14202 / (716) 854-1300

This action is brought in the County of **Genesee** because of:

- ☒ Plaintiff's residence, or place of business;  
☐ Defendant's residence;  
☐ Designation made by Plaintiffs.

DATED: Buffalo, New York  
January 29, 2021



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Peter M. Kooshoian, Esq.  
Rosenthal, Kooshoian & Lennon, LLP  
**Attorneys for Plaintiff**  
80 West Huron Street  
Buffalo, New York 14202  
(716) 854-1300

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**STATE OF NEW YORK  
SUPREME COURT : COUNTY OF GENESEE**

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**LISA HORN,**

**Plaintiff,**

**COMPLAINT**

**v.**

**Index No.:**

**WAL-MART STORES, INC.  
n/k/a WALMART, INC. and  
WALMART, INC.  
f/k/a WAL-MART STORES, INC.,**

**Defendants.**

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The Plaintiff, LISA HORN, by and through her attorneys, Rosenthal, Kooshoian & Lennon, LLP for her causes of action against the Defendants, WAL-MART STORES, Inc. n/k/a WALMART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., herein states the following:

1. At all herein mentioned, the Plaintiff, LISA HORN, was and is a resident of the County of Genesee and State of New York.
2. Upon information and belief, the Defendant, WAL-MART STORES, INC. n/k/a WALMART, INC., was and still is a duly formed and organized foreign corporation existing under and by virtue of the laws of the State of Delaware and at all times herein relevant was authorized to do business in the State of New York.
3. Upon information and belief, at all times herein mentioned, the Defendant, WAL-MART STORES, INC. n/k/a WALMART, INC., regularly solicits business within the State of New York and does engage in a consistent course of conduct of marketing, distributing and selling goods for its own profit within

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and to the State of New York along with many other states within the United States and derives substantial revenue from its services rendered in the State of New York.

4. Upon information and belief, at all times herein mentioned, the Defendant, WAL-MART STORES, INC. n/k/a WALMART, INC., is the owner of property located at 4133 Veterans Memorial Drive in the Town of Batavia, County of Genesee and State of New York.

5. At all times herein mentioned, the Defendant, WAL-MART STORES, INC. n/k/a WALMART, INC., occupied, managed, possessed, maintained and controlled the property and premises located at 4133 Veterans Memorial Drive, Batavia, New York in the County of Genesee.

6. Upon information and belief, at all times herein mentioned, the Defendant, WALMART, INC. f/n/a WALMART STORES, INC., was and still is a duly formed and organized foreign corporation existing under and by virtue of the laws of the State of Delaware and at all times herein relevant was authorized to do business in the State of New York.

7. Upon information and belief, at all times herein mentioned, the Defendant, WALMART, INC. f/n/a WAL-MART STORES, INC., regularly solicits business within the State of New York and does engage in a consistent course of conduct of marketing, distributing and selling goods for its own profit to the State of New York along with many other states within the United States and derives substantial revenue from its services rendered in the State of New York.

8. Upon information and belief, at all times herein mentioned, the Defendant, WALMART, INC. f/n/a WAL-MART STORES, INC., owns the property located at 4133 Veterans Memorial Drive in the Town of Batavia, County of Genesee and State of New York.

9. Upon information and belief, at all times herein mentioned, the Defendant, WALMART, INC. f/n/a WAL-MART STORES, INC., occupied, managed, possessed, maintained and controlled the property

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and premises located at 4133 Veterans Memorial Drive in the Town of Batavia, County of Genesee and State of New York.

10. That at all times herein mentioned, the Defendants, WAL-MART STORES, Inc. n/k/a WALMART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., by and through their agents, servants and/or employees operated, maintained, managed, possessed and controlled the premises and property located at 4133 Veterans Memorial Drive in the Town of Batavia, County of Genesee and State of New York and derived revenue and income from the operation of their business at that location.

11. That at all times herein mentioned, the Defendants, WAL-MART STORES, Inc. n/k/a WALMART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., through their agents, servants and/or employees had a duty to maintain the aforementioned premises in a safe manner and condition for use by the general public and invitees including the Plaintiff, LISA HORN.

12. Upon information and belief, at all times herein mentioned, the Defendants, WAL-MART STORES, Inc. n/k/a WALMART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., through their agents, servants, employees, contractors, property management and other maintenance personnel were responsible for properly constructing, inspecting and maintaining the premises and property in a reasonably safe condition.

13. That on or about the 18<sup>th</sup> day of March, 2018, at approximately 4:00 p.m., the Plaintiff, LISA HORN, was lawfully and properly on the Defendants' store property when a freezer door fell and struck her causing serious personal injuries.

14. That the Defendants, WAL-MART STORES, Inc. n/k/a WALMART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., by and through their agents, servants, managers, contractors and/or employees were negligent, careless and/or reckless through their acts or their omissions to act in the construction, inspection, maintenance, control and/or care of the premises located at 4133 Veterans

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Memorial Drive in the Town of Batavia, County of Genesee and State of New York and negligently, carelessly and/or recklessly created a dangerous condition and/or permitted a dangerous condition to exist.

15. That as a result of the negligence, carelessness and/or recklessness of the Defendants, WAL-MART STORES, Inc. n/k/a WALMART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., by and through their agents, servants, contractors and/or employees, the Plaintiff, LISA HORN, sustained serious permanent and personal injuries, conscious pain and suffering, loss of enjoyment of life, incurred medical and hospital expenses, loss of income, and continues to sustain damages into the future.

16. That this action falls within one or more of the exemptions or exclusions to Article 16 of the CPLR under CPLR §1602.

**WHEREFORE**, the Plaintiff, LISA HORN, demands judgment against the Defendants, WALMART STORES, Inc. n/k/a WAL-MART, INC. and WALMART, INC. f/k/a WAL-MART STORES, INC., in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this action together with interest from the date of the verdict rendered herein.

DATED: Buffalo, New York  
January 29, 2021



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Peter M. Kooshoian, Esq.  
Rosenthal, Kooshoian & Lennon, LLP  
**Attorneys for Plaintiff**  
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